

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.	2:23-cv-06439-MEMF (SK)	Date	October 17, 2023
Title	Amber Doe v. Sequoia Capital, et al.		

Present: The Honorable	Steve Kim, U.S. Magistrate Judge
Connie Chung	n/a
Deputy Clerk	Court Smart / Recorder

Attorneys Present for Plaintiff:
None present

Attorneys Present for Defendants:
None present

Proceedings: (IN CHAMBERS) **ORDER DENYING WITHOUT PREJUDICE
DEFENDANT’S VEXATIOUS LITIGANT MOTION (ECF 27)**

Defendant Michael Lewis Goguen moves for an order declaring plaintiff Amber Doe a vexatious litigant under Local Civil Rule 83-8. (ECF 27). The vexatious litigant motion follows the district court’s September 20, 2023 order denying plaintiff’s application to proceed in forma pauperis and dismissing this case with prejudice. (ECF 21, 22). But on September 28, 2023, plaintiff filed a notice of appeal from the district court’s dismissal order. (ECF 24). “Once a notice of appeal is filed, the district court is divested of jurisdiction over the matters being appealed.” *Nat. Res. Defense Council, Inc. v. Sw. Marine, Inc.*, 242 F.3d 1163, 1166 (9th Cir. 2001). And because defendant’s vexatious litigant motion concerns, in whole or in part, “those aspects of the case involved in the appeal” filed by plaintiff (*e.g.*, ECF 27 at 13), the district court lacks jurisdiction to address the motion at this time. *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (per curiam).

For these reasons, defendant’s motion (ECF 27) is denied for lack of jurisdiction while plaintiff’s appeal is pending. The denial is without prejudice to renewing if plaintiff’s appeal is dismissed and she files a new action in this district court that is foreclosed by res judicata. Meanwhile, the hearing on defendant’s motion noticed for November 9, 2023 is vacated.

IT IS SO ORDERED.

cc: MEMF Chambers